REMARKS

Reconsideration of the application is requested.

Applicants acknowledge the Examiner's confirmation of receipt of applicants' certified copy of the priority document for the European Patent Application 00103074.1, filed February 15, 2000 supporting the claim for priority under 35 U.S.C. § 119.

Claims 1-24 are in the application. Claims 1-24 were rejected in the above-identified Office Action. Claims 1, 10, and 20 have been amended.

In item 3 on page 2 of the above-identified Office Action, the Examiner objected to the specification as failing to provide proper antecedent basis for claimed subject matter. The Examiner's suggested corrections have been made to the first paragraph on page of the specification.

Support for these changes may be found in claims 10 and 20 and in the originally filed first paragraph on page 5 of the specification of the instant application.

In "Claim Rejections - 35 USC § 112, second paragraph" item 4 on page 2 of the above-identified Office Action, claims 1-19

have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

More specifically, the Examiner states, "The claim language ... is murky or not clearly understood." The Examiner's suggested corrections have been made to claims 1, 10, and 20.

Support for these changes may be found on pages 5 and 8 of the specification of the instant application. Additional support may be found in the originally filed claims 1, 10, and 20.

It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, second paragraph. The above-noted changes to the claims are provided solely for clarification or cosmetic reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claim for any reason related to the statutory requirements for a patent.

In "Claim Rejections - 35 USC § 102" item 6 on page 3 of the above-identified Office Action, claims 1-2, 6-7, and 13 have been rejected as being fully anticipated by U.S. Patent No. 6,219,831 to Ono (hereinafter ONO) under 35 U.S.C. § 102(e).

In "Claim Rejections - 35 USC § 103" item 13 on page 4 of the above-identified Office Action, claims 3-5,11-12 have been rejected as being obvious over **ONO** in view of 'Official Notice' (hereinafter **OFFICIAL NOTICE**) under 35 U.S.C. § 103(a).

In "Claim Rejections - 35 USC § 103" item 19 on page 6 of the above-identified Office Action, claims 8-9 have been rejected as being obvious over **ONO** in view of U.S. Publication No. 2004/0078273 to *Loeb, et al.* (hereinafter **LOEB**) and further in view of **OFFICIAL NOTICE** under 35 U.S.C. § 103(a).

In "Claim Rejections - 35 USC § 103" item 26 on page 7 of the above-identified Office Action, claims 14-24 have been rejected as being obvious over **ONO** in view of **LOEB** under 35 U.S.C. § 103(a).

The rejections have been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found among other places on pages 5 and 13 of the specification of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be

helpful. Claim 1 calls for, *inter alia*, a method of transmitting a message having a given message format including the steps of:

> setting up a connection between a gateway and a rule database ***prior to*** transmission of the message, the rule database having stored therein a set of conversion and processing rules;
>
> starting a selection routine defining an applicable **conversion and processing rule set *formed in the rule database*;**
>
> forming a conversion control signal **from the conversion and processing rule set;**
>
> buffer-storing the conversion and processing rule set or the control signal ***in the gateway***; and
>
> converting the message ***in the gateway***.

Independent claim 20 contains similar language.

The **ONO** reference discloses a device for converting syntax in computer-programming languages, such as FORTRAN or COBOL to PROLOG or EDL or C programming language. The **ONO** device includes a conversion rule database with conversion rules for changing from an origin programming language to a target programming language and for handling conversions of word variables to the target programming language. The conversion rule includes a search key, a word conversion direction section, and a target programming language generation program. These elements among others are shown on sheet 7 of

16 in blocks 105-109, where the **ONO** conversion database 4 and the **ONO** word conversion library 7 are used to create target program 90 from origin program 80 in **ONO**.

Specifically, **ONO** states that:

> when viewed in terms of language level, there are languages that are directly dependent on the computer, which are called machine languages, and languages that are much closer to human languages, which are called high-level languages. When viewed in terms of language application, there is FORTRAN, which is a scientific computation-oriented language and COBOL, which is a business-oriented language. Some languages are developed for specific computers by specific laboratories or enterprises.

Clearly, **ONO** limits its conversion activities to rewriting computer programs written in one computer specific programming language to another computer specific programming language for use on the target computer. Thus in **ONO**, the rewritten target program uses a new basic syntax derived from the unconverted program syntax. This "syntax conversion" is important in **ONO** as word variables may have specific meanings in various computer specific languages that will not be recognized in the same manner on the target system.

In contrast to **ONO**, the instant application is not changing programming languages. Rather, the instant application analyzes a meta-language used to describe the contents of a website and changes the appropriate portions of the website. As such, the instant application is not limited to the semantics of a page as **ONO**, but the instant application is

also concerned about the syntax. This meta-language analysis also enables the instant application to remove unimportant content. As indicated on page 13 of the instant application, the potential conversions include "filtering of the rate table provided by the online broker with the share selection data ..., transmission of the message in the language WML, ... and time conversion to the local time where the user is located."

In addition, the present invention generates a suitable "conversion and processing rule set" as recited in claim 20 of the instant application, prior to the actual conversion of the material in a different network element or "message gateway".

Clearly, **ONO** does not show an applicable conversion and processing rule set being ***"formed in the rule database"*** and converting the message ***"in the gateway"*** as recited in claim 1 of the instant application.

The **LOEB** reference discloses the use of a reason code and token to facilitate linking of a primary and secondary merchant based upon customer activities. **LOEB** does not pertain to a conversion, which is technically necessary, but rather due to desired e-commerce. Thus, the conversions of

LOEB regard situations where an internet dealer is a middleman and can/should not pass on certain customer data to other vendors. An exemplary transaction would be where a customer qualifies for a bonus program through the primary merchant, where a secondary merchant administers the bonus program.

Applicants suggest that it is questionable that a person of skill in the art trying to represent an internet website on a mobile radio end device would even consider **LOEB** to solve the problem. Especially, as the disclosure in **LOEB** is limited to web pages being presented on the Internet.

Clearly, **LOEB** does not show an applicable conversion and processing rule set being ***"formed in the rule database"*** and converting the message ***"in the gateway"*** as recited in claim 1 of the instant application.

With regards to the **OFFICIAL NOTICE** taken in the Office Action, applicants would respectfully remind the Examiner that official notice without documentary evidence "should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known" MPEP § 2144.03(A). The instant application is

situated in a fast moving art that requires the Examiner to consider the art at the time of the invention or at least the priority date of the application on **February 15, 2000**. Moreover, the applicant has demonstrated how the cited **ONO** and **LOEB** references actually teach away from the invention of the instant application, further demonstrating how much of the subject matter identified in the official notice are not considered to be common knowledge or well-known in the art.

With regards to claim 3, item 14 on page 4 of the Office Action states:

> 'Official Notice' is taken by the Examiner that an IP network is notorious well known and expected in the art.

While the applicants agree that IP networks were well known, applicants respectfully traverse the Examiner's assertion that IP networks use was known and expected "in the art" as described and used by **ONO** and **LOEB**. Applicants specifically traverse the assertion that **ONO** suggested a distributed network environment in Col. 1, lines 34-37, which states:

> This situation arises when it is desired to run a program written in a language for a certain computer on another computer and there is a need to rewrite that program into a language for the other different computer.

Applicants note that there is not one instance found in **ONO** of "IP", "network", "Internet", "Internet protocol", or "gateway" in **ONO**. Rather it is clear that the extent of

language conversion disclosed is limited to the conversion of a program syntax written in one programming language to another programming language. As such, it would **not have been obvious to include an IP network** to "provide an efficient protocol to be used on a network environment" with **ONO**, as there is no mention of a need for a network or for the need to use a distributed network environment. The target program could easily be transferred to the target computer using a disk or other non-network means. In fact, **ONO** specifically avoids the difficulties of interfacing between two different computers, by performing both the creation of the conversion and processing rule set and by converting the program into the target program on the same machine. In contrast to **ONO**, as recited in claim 1 of the instant application, an applicable conversion and processing rule set is first ***"formed in the rule database"*** and then the message is converted ***"in the gateway"***, a different network entity from the rule database that originally formed the rule set. In this manner, the instant invention expressly calls for a distributed network while **ONO** teaches away from this configuration.

With regards to claim 4, item 15 on page 5 of the Office Action states:

> 'Official Notice' is taken by the Examiner that inter network communication is notoriously well known and

> expected in the art. It would have been obvious to one of ordinary skill in the art to include an inter network communication between two different network mediums with **ONO** because doing so would provide an efficient transportation process between various mediums. Further, **ONO** suggested a distributed network environment on Col. 1, lines 34-37, thus rendering inter network communications between two or more devices obvious in this case.

While the applicants agree that inter network communication were well known, applicants respectfully traverse the Examiner's application of **OFFICIAL NOTICE** with respect to **ONO**. As previously indicated none of the "networking" terms are even present in the **ONO** application. Moreover, the scope of knowledge available to one of skill in the art must be limited to the art described in **ONO**.

With regards to claim 11, item 17 on page 5 of the Office Action states:

> 'Official Notice' is taken by the Examiner that conversion of IP addresses is notoriously well known and expected in the art. It would have been obvious to one of ordinary skill in the art to include an IP address conversion between two different network mediums with **ONO** because doing so would provide expected inter domain gateway functionalities, this is due to the fact that gateways have the well known functionality of IP address conversion in between various domains. Further, **ONO** suggested language conversion between at least two network devices in a network environment on Col. 1, lines 34-37, IP is a protocol realized by programmable languages, thus conversion of languages renders the conversion of IP addresses obvious to one of ordinary skill in the art at the time of the invention.

While the applicants agree that conversion of IP addresses is notoriously well known in the networking environment, applicants respectfully traverse the Examiner's application of **OFFICIAL NOTICE** with respect to **ONO**. As previously indicated none of the "networking" terms are even present in the **ONO** application. Moreover, applicants assert that the conversion of a program from one programming language to a target programming language is significantly distinct from the conversion described and claimed in the instant application. Specifically, a language conversion according to the instant application requires an understanding of syntax, semantics, and context. Thus, a translation of a German phrase may have more meaning than the mere literal meaning derived from a dictionary and a conversion to English must make this conversion (e.g., literal translation "bird in his head" should be converted to "he's crazy"). Moreover, the specification of the instant application indicates that conversions for the mobile network may need the messages to be stripped of unnecessary content to be compatible with the mobile station.

With regards to claim 8, item 24 on page 7 of the Office Action states:

> 'Official Notice' is taken by the Examiner that real time data is notoriously well known and expected in the art. It would have been obvious to one of ordinary skill in the art to include real time data

communications between two different network mediums with **ONO** because doing so would provide an improved response time between various devices. Further, real time programs are subject to network delays, normally the program would run real time on the end devices and network delays and congestion renders the real time capability under optimal performance.

When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference must be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.

In accordance with MPEP § 2144.03(C) and 37 CFR § 1.104(d)(2), applicants respectfully request an Examiner's affidavit to provide support for the aforementioned official notices taken that such steps (items 14, 15, 17, and 24) were present within the art at the time of the invention or at least the priority date of the application **February 15, 2000**.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1 and claim 20. Claims 1 and 20 are, therefore, believed to be patentable over the

art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claims 1 and 20.

In view of the foregoing, reconsideration and allowance of claims 1-24 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of $110.00 in accordance with Section 1.17 is enclosed herewith.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

Kyle H. Flindt
Reg. No. 42,539

For Applicants

KHF:cgm

September 7, 2004

Lerner and Greenberg, P.A.
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: (954) 925-1100
Fax: (954) 925-1101